

ORDINANCE NO. 1726-NS

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF THOUSAND OAKS AMENDING THE THOUSAND OAKS MUNICIPAL CODE BY MODIFYING SECTION 9-4.301 AND SECTION 9-4.2816, AND ADDING SECTION 9-4.310, ARTICLE 10.5, SECTION 9-4.2104.5, AND SECTION 9-4.2529 TO ESTABLISH MIXED-USE ZONING REGULATIONS AND AS REQUIRED BY THE 2021-2029 HOUSING ELEMENT (MCA 2024-70001)

The City Council of the City of Thousand Oaks does hereby ordain as follows:

Part 1

Title 9, Chapter 4, Article 3, Establishment and Designation of Zones of the Thousand Oaks Municipal Code, Section 9-4.301 Use Zones is hereby amended to add a new Mixed-Use (MU) and Mixed-Use Overlay (MUOZ) zones as follows:

MU/MUOZ Mixed-Use and Mixed-Use Overlay Zones

Part 2

Title 9, Chapter 4, Article 3, Establishment and Designation of Zones of the Thousand Oaks Municipal Code, is hereby amended to add a new Section 9-4.310 Mixed-Use Overlay (MUOZ) zone, as follows:

Sec. 9-4.310. Mixed-Use Overlay Zone (MUOZ).

There is hereby established the Mixed-Use Overlay Zone (MUOZ) that provides an overlay zone within any existing specific plan areas wherein properties so zoned are identified as parcels allowing a mix of commercial and residential uses. The development of land within the MUOZ shall conform to the regulations of the underlying specific plan except where specifically superseded by Article 10.5 of this chapter.

Part 3

Title 9, Chapter 4 Zoning is hereby amended to add a new Article 10.5 Mixed-Use Zones (MU) and Mixed-Use Overlay Zones (MUOZ), as follows:

Article 10.5 Mixed-Use (MU) and Mixed-Use Overlay (MUOZ) Zones

Sec. 9-4.1050 Purpose (MU/MUOZ).

The MU or Mixed-Use Zone and the MUOZ or Mixed-Use Overlay Zone are intended to provide a method by which land located in the zone may be designed and developed for both commercial and residential uses compatible and harmonious with the existing or potential development of adjacent areas. This zone will be implemented on all parcels designated as Mixed-Use per the zoning map. For areas where there is an existing specific plan, the Mixed-Use Zone is applied as a Mixed-Use Overlay Zone (MUOZ). The Mixed-Use Overlay Zone standards supersede the specific plan standards. The specific plan standards still apply except where specifically modified by the Mixed-Use Overlay Zone.

Sec. 9-4.1051 Permitted uses (MU/MUOZ).

Only the uses identified in Article 21 of this chapter as being permitted in the Mixed-Use Zone (MU) and Mixed-Use Overlay Zone (MUOZ) shall be established or maintained on property located therein, subject to the limitations, general provisions, and exceptions set forth in said Article 21.

Sec. 9-4.1052 Development Standards (MU/MUOZ).

Unless otherwise specifically waived or modified by the Planning Commission, the following development standards are established as the minimum deemed necessary to ensure the public health, safety, and welfare within the MU Zone and MUOZ Zone and to accomplish the intent and purpose of this article:

DEVELOPMENT STANDARD	MU / MUOZ
Residential Density – Minimum	20 du/ac
Residential Density – Maximum	30 du/ac
Residential Floor Area – Minimum	50% in Mixed-Use Projects
Residential Floor Area – Maximum	100%
Non-Residential FAR – Maximum	1.0
Building Coverage – Maximum	80%
Height – Minimum	20 feet
Height - Maximum¹	50 feet

	Within 50 feet of residential zone or exclusively residential use: 30-feet from property line - 25 feet maximum 30 feet to 50 feet from property line - 45 feet maximum over 50 feet from property line - 50 feet maximum
Front Setback - Minimum²	15 feet
Front Setback - Maximum³	30 feet
Side Setback – Minimum	20 feet from a residential zone
Rear Setback – Minimum	20 feet from a residential zone
Third Floor Setback – Minimum	10 foot average from first floor street front building façade
Building Separation – Minimum	20 feet
Minimum Ground Floor Windows (% Ground Floor Façade)	65% for commercial or mixed-use 45% for ground floor residential
Minimum Average Depth of Retail – Minimum	60 feet
Sidewalk Width – Minimum	15 feet from the curb
Ground Floor Plate Height – Minimum	14 feet
Residential in Mixed-Use Development - Minimum⁴	50%
Display Window Height – Minimum	4.0 feet
Height from Adjacent Grade to Bottom of Display Window – Maximum	3.5 feet
Vehicular Access – Maximum	1 access point for lots < 100 feet wide; 2 access point for lots > 100 feet wide
Parking Location	Side and rear yards only
Public Exterior Space – Minimum (Commercial and Mixed-Use Projects)	3% of area of building footprint
Parking and Driveway Landscaping - Minimum (%)	10%
PARKING REQUIREMENTS – MINIMUM	
Retail	1/300 sf
Residential:	
Studio	1.0 spaces / unit

1 Bedroom	1.0 spaces / unit
2 Bedroom	1.5 spaces / unit
3+ Bedroom	2.0 spaces / unit
Guest Parking	0.5 spaces / unit
Restaurant	1/200 for the first 2,000 square feet gross leasable area 1/100 for greater than 2,000 square feet gross leasable area
Medical	1/250 square feet
Outdoor Dining Area	0 spaces for the first 500 square feet 1/100 for great than 500 square feet
Gyms, Health Clubs	1/300 square feet
Exercise, Dance, Aerobics Studios	1/75 square feet assembly 1/ 300 square feet other
On-Street Parking Along Site Frontage	100% credit toward off-street requirement for non-residential and residential guest parking
Shared Parking	50% of spaces maximum to be shared within a 700 foot walking distance from the entrance(s) to the use(s) entrances that are subject to a shared parking agreement

¹ Listed height standards apply except where the previous allowed height for that lot exceeds the standards of the Mixed-Use Zone. This includes sites in the Height Limit Overlay Zone (H) or former C-4 zone noted in Sec. 9-4.307.

² Setbacks to be measured from the back of the curb.

³ The maximum setback shall be 30 feet from the back of the curb, except that up to 40% of the lot frontage may be occupied by public courtyards, plazas, recessed entries, or driveways.

⁴ Mixed-use developments in the Village Centers shall retain at least 50% of existing commercial square footage pursuant to GP Policy 20.1.

Part 4

Title 9, Chapter 4 Article 21, Uses Allowed by Zone is hereby amended to add a new Section 9-4.2104.5 Permitted Use Matrix - Mixed-Use (MU) and Mixed-Use Overlay (MUOZ) zones, as follows:

Sec. 9-4.2104.5. Permitted Use Matrix – Mixed-Use Zones and Mixed-Use Overlay Zones.

Land Use Category	Zoning Classification
	MU/MUOZ
Animal Care Uses	
Veterinary offices in enclosed building with no boarding	DP
Veterinary hospitals and clinics, small animals (includes boarding), subject to limitations of Sec. 9-4.2106(p)	SUPA
Community Care Uses	
Assisted living facilities	SUPA
Day nurseries (child care centers)	DP
Emergency shelters, subject to limitations of Sec. 9-4.2106(r)	P
Residential Care Facilities (Large) per limitations in Sec. 9-4.2106(d)	SUPA
Eating & Drinking Establishments	
Restaurants, cafes, coffee shops, and other specialized food and beverage service establishments (e.g., beverages, pastry, desserts, fast food) without alcoholic beverage consumption (up to 0.5% alcohol by volume)	DP/SUP ¹
Restaurants, cafes, and other specialized food service establishments with alcoholic beverage consumption (greater than 0.5% alcohol by volume)	SUPA/SUP ²
Restaurants, cafes, and other specialized food service establishments, with dancing or live entertainment	SUP
Notwithstanding any other provision to the contrary, any business otherwise permitted in the zone that is wholly or incidentally engaged in the on- premises sale and consumption of alcoholic beverages	SUPA/SUP ²
Educational Uses	
College and university extension classrooms and offices	SUPA
Dancing schools and studios Less than 10,000 sq. ft. 10,000 sq. ft. or more	DP DP

Land Use Category	Zoning Classification
	MU/MUOZ
Martial arts studios Less than 10,000 sq. ft. 10,000 sq. ft. or more	DP DP
Music schools	DP
Trade and training schools, per limitations of Sec. 9-4.2106(t) if in C-4 zone	DP
Industrial Uses	
Alcoholic beverage production and storage - with incidental tasting, food service and retail sales	DP/SUPA ³
Institutional and Civic Uses	
Clubs and lodges, private	SUPA
Libraries, branch, operated by a public agency	SUPA
Places of worship (religious facilities)	DP/SUP
Medical and dental offices, including urgent care	DP
Medical and dental laboratories	DP
Miscellaneous Uses	
Any other use determined by Planning Commission to be within general purpose and intent of the applicable zone	SUP
Caretaker or proprietor living quarters	P
Outdoor barbeques in conjunction with a permitted and related commercial operation (e.g. restaurants, meat markets)	DP
Resource collection receptacles (recyclables)	DP
Other Uses (Non-Medical)	
Administrative, business and professional offices	DP
Banks and similar financial services	DP
Newspaper offices and plants	DP
Personal and General Services	
Appliance and electronic repair	DP
Copying and reproduction services, including print shops	DP
Health clubs, fitness studios, gymnasiums: Less than 10,000 sq. ft. gross floor area (GFA) 10,000 sq. ft. GFA or more	SUPA SUP
Household maintenance and repair services (e.g., shoe repair, tailor shop, locksmith, framing, watch repair)	DP
Laundry (including laundromats) and dry cleaning establishments	DP

Land Use Category	Zoning Classification
	MU/MUOZ
Personal care establishments (e.g., barbershops, beauty shops, nail salons, tanning salons, day spa)	DP
Postal box and mailing services	DP
Wedding chapels	SUPA
Protected Ridgeline Overlay (PR) Zone Standards	
Waiver or modification of PR overlay zone standards, per limitations of Sec. 9-4.2106(f)	SUP
Recreational and Open Space Uses	
Arcades	SUPA
Billiard and pool halls	DP
Bowling alleys	SUPA
Live entertainment venues	SUPA
Parks and playgrounds	DP
Skating rinks, indoor	SUPA
Theaters, indoor	DP
Residential	
Mixed-Use	DP
Multi-Family Residential	DP
Retail Commercial Uses	
Antique stores	DP
Apparel stores	DP
Art and crafts studios and galleries	DP
Bakeries	DP
Bookstores	DP
Confectionary stores	DP
Consumer electronics and appliances sales and services	DP
Department stores	DP
Dress-making shops	DP
Drugstores, pharmacies	DP
Food markets (e.g., grocery store, supermarket, meat markets and other specialty types)	DP
Florist shops	DP

Land Use Category	Zoning Classification
	MU/MUOZ
Furniture stores	DP
Garden centers	DP
Hardware stores	DP
Home decor shops and studios	DP
Jewelry stores	DP
Junior department stores	DP
Liquor stores	SUP
Newsstands	DP
Pet shops, including grooming services	DP
Retail stores with large showrooms for display of bulk goods (e.g., furniture, carpet, major appliance, and similar products)	DP
Retail stores not otherwise listed, per limitations of Sec. 9-4.2106(v)	DP
Transient Lodging Uses	
Hotels and motels	DP
Utility & Communication Uses	
Wireless communications facilities ⁴	SUPA
Small wireless facilities	SWF
Eligible facilities requests (6409(a))	EFR
Vehicle Related Uses	
Transportation facilities	SUPA

¹ SUP required for drive-through facilities.

² SUPA if no live entertainment is to be conducted on the premises; if live entertainment is to be conducted, then the SUP requires Planning Commission review (SUP).

³ SUPA required for up to a maximum 20,000 square feet in size with alcohol tasting.

⁴ Wireless communications facilities that do not meet the definition of small wireless facilities or eligible facilities requests.

Part 5

Title 9, Chapter 4, Article 28 is hereby amended to add a new Section 9-4.2816 Administrative Permits as follows:

9-4.2816: Exempt Housing Projects

The following housing projects are exempt from all discretionary land use entitlement review process required by Article 21. Uses Allowed by Zone and are only required to obtain building permits, grading permits, landscape plan checks and other ministerial associated permits, after a Zoning Clearance has been issued by the Community Development Department:

(a) Housing projects with at least 20 percent of the units affordable to lower income households if the projects are located on Regional Housing Needs Assessment (RHNA) sites that are either reuse sites from the previous Housing Element cycle or required rezoning to accommodate the lower income RHNA shortfall as detailed in the City of Thousand Oaks' 2021-2029 Housing Element Appendix C.

These housing projects exempt from discretionary land use entitled review process are subject to ministerial review to confirm exempt status including compliance with the applicable standards of the Zoning Regulations and appropriate operational conditions. Ministerial actions are not appealable.

Part 6

Title 9, Chapter 4, Article 25 is hereby amended to add a new Section 9-4.2529 Replacement Housing Requirement and Occupant Protections as follows:

Sec. 9-4.2529 Replacement Housing Requirements and Occupant Protections

This section shall apply only to housing development projects that: (1) on or after January 1, 2022, but before January 1, 2030, submit a complete application or a complete set of building plans for plan check and permit to the Community Development Department, along with any associated submittal fee; or (2) on or after the effective date of this article, receive an approval of a complete application that was submitted to the Community Development Department on or after January 1, 2020, but before January 1, 2022. This article does not apply to a housing development project that submitted a complete application to the Community Development Department before January 1, 2020.

Replacement Requirements and Occupant Protections:

- (a) The City shall not approve or issue a building permit for a housing development project that will require the demolition of one or more residential dwelling units unless the project will create at least as many residential dwelling units of equivalent size as will be demolished.
- (b) The City shall not approve or issue a building permit for a housing development project that will require the demolition of occupied or vacant protected units, unless the housing development project meets all of the requirements of California Government Code Section 66300(d).
- (c) The following words and phrases, whenever used in this section, shall be defined as the following:

"Complete application" refers to a complete application pursuant to Section 65943 of the California Government Code.

"Equivalent size" means that the replacement units contain at least the same total number of bedrooms as the units being replaced.

"Housing development project" shall have the same meaning as defined in paragraph (3) of subdivision (b) of Section 65905.5 of the California Government Code, however, shall not include a housing development project located within a very high fire hazard severity zone.

"Protected units" has the same meaning as set forth in California Government Code Section 66300(d)(2).

"Very high fire severity zone" has the same meaning as provided in California Government Code Section 51177.

- (d) Inclusionary Housing or Density Bonus. Affordable replacement units required by this Section may count toward any affordable housing set-aside units required in connection with the granting of a density bonus, or the requirements of the City's inclusionary housing program, if applicable.
- (e) The affordable replacement units shall be subject to a recorded affordability housing agreement consistent with Section 9-10.601 of the Thousand Oaks Municipal Code.

- (f) This article shall remain effective despite the possible expiration of Government Code Section 66300.
- (g) A housing development project that submits a preliminary application pursuant to Section 65941.1 of the California Government Code before January 1, 2030, remains subject to this article after January 1, 2030.

Part 7
(Uncodified)
Severability

If any section, subsection, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this title; it being hereby expressly declared that this title, and each section, subsection, sentence, clause and phrase hereof, would have been prepared, proposed, adopted, approved and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Part 8
(Uncodified)
Effective Date

This Ordinance shall take effect on the thirty-first (31st) day following its final passage and adoption.

PASSED AND ADOPTED this XXth day of XXXXX, 2024, by the following vote:

Ayes:
Noes:
Absent:

Al Adam, Mayor
City of Thousand Oaks, California

ATTEST/CERTIFY:

Laura B. Maguire, City Clerk

Date Attested: _____

APPROVED AS TO FORM
Office of the City Attorney

Tracy M. Noonan, City Attorney

APPROVED AS TO ADMINISTRATION:

Andrew P. Powers, City Manager

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The presence of electronic signature certifies that the foregoing is a true and correct copy as approved by the City of Thousand Oaks City Council on the date cited above.